

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 2-33 are cancelled. Claims 1 and 34-35 remain in this application and, as amended herein, are submitted for Examiner's reconsideration.

In the Office Action, the Examiner rejected claims 1 and 34-35 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 1 and 35 have been amended to correct the informalities. No new matter has been added by these changes. It is therefore submitted that claims 1 and 34-35 are in full compliance with the requirements of 35 U.S.C. § 112, first paragraph.

The Examiner also rejected claims 1-3 (*sic*) under 35 U.S.C. § 112, second paragraph, as allegedly failing to set forth that which applicants regard as the invention.

The Examiner incorrectly argues that "the ultimate wherein clause" of claim 1 "is drawn to desired results that occur from the existence of an 'editing' operation, i.e., method limitation(s)[,] and not necessarily drawn to a product...." Though claim 1 does not include a "wherein clause", the claim has nevertheless been amended to more clearly show that the claim defines features of the recording medium, namely, that "at least a portion of the second management information [is] capable of being modified", and that this feature allows for an operation to be possible, namely, "to enable at least one of the series of associations to be edited". Clearly, the claim does not merely recite "desired results".

The Examiner also argues that "the ultimate phrase of claim 1... is incomplete". Claim 1 has been amended to correct the informalities.

It is therefore submitted that the claims are in full compliance with the requirements of 35 U.S.C. § 112, second paragraph.

Claim 1 was also rejected under 35 U.S.C. § 101. The Examiner erroneously asserts that the second management information is an "abstract idea" and refers to pages 12, 14-17, 22, and 56-57 of the Interim Guidelines ("Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility"). However, as described in the Interim Guidelines:

While abstract ideas, natural phenomena, and laws of nature are not eligible for patenting, methods and products employing abstract ideas, natural phenomena, and laws of nature to perform a real-world function may well be. In evaluating whether a claim meets the requirements of section 101, the claim must be considered as a whole to determine whether it is for a particular application of an abstract idea, natural phenomenon, or law of nature, rather than for the abstract idea, natural phenomenon, or law of nature itself. (Emphasis added.)

(Id at pgs.18-19.) Therefore, even assuming that the second management information is considered an abstract idea, the claim as a whole is directed to a "system-readable and system-writeable recording medium wherein content is recorded and from which content is reproduced" (emphasis added), includes a program area in which content programs are recorded each of which is a portion of the recorded content, and includes a management area having second management information by which the content programs are associated with content program groups and group names. Namely, the claimed subject matter produces a useful, tangible, and concrete results of dividing the recorded content into content programs and associating the programs containing the recorded content with content program groups and group names.

As is also described in the Interim Guidelines:

...In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's

functionality to be realized, and is thus statutory.
(Emphasis added.)

(Id at pg.52.) Similarly, the system-readable recording medium of the present application provides second management information that defines interrelationships that permit its functionality to be realized, and the claim is thus statutory.

As to the art rejections, claim 1 was rejected under 35 U.S.C. § 103(a) as being obvious over JP 10-336579 in view of Matsumoto (U.S. Patent No. 6,462,263); claim 2 (sic) was rejected over the art as applied to claim 1 in view of Tanaka (U.S. Patent No. 6,560,403); and claim 35 was rejected over the art as applied to claim 1 in view of Official Notice. Applicants submit that the claims are patentably distinguishable over the cited art.

Claim 1, as amended, calls for:

second management information for managing storage of a plurality of associations between a plurality of content program groups and the plurality of content programs whereby a respective one of the plurality of associations associates a given one of the plurality of content program groups with specific ones of the plurality of content programs and with a particular one of a plurality of group names, each one of the plurality of content program groups being a respective grouping of the content programs, the plurality of associations being arranged in series using first and second special codes, the first special code being provided within at least one of the plurality of associations in the series and partitioning program numbers corresponding to the content programs associated with a respective one of the plurality of content program groups and the group name associated with that content program group, and the second special code being provided between adjacent ones of the plurality of associations in the series, at least a portion of the second management information being capable of being modified to enable at least one of the series of associations to be edited, and when any one of the series of associations does not include the group name, the first special code of that association is disposed adjacent to the

second special code of that association. (Emphasis added.)

Though the relied-on sections of JP 10-336579 describe group registration (see ¶[0031]) and the relied on sections of Matsumoto describe delimiter symbols and depicts a single association of first, second and third information (see Figs. 2 and 3), neither the relied-on sections of JP 10-336579 nor the relied on sections of Matsumoto disclose or suggest a plurality of associations arranged in series, neither one discloses or suggests a second special code provided between adjacent ones of the plurality of associations in the series, and neither one discloses or suggests that when the group name is omitted from any one of the series of associations, the first special codes of that association is disposed adjacent to the second special code.

It follows that neither the relied-on sections of JP 10-336579 nor the relied-on sections of Matsumoto, whether taken alone or in combination, disclose or suggest the combination set out in claim 1, and claim 1 is therefore patentably distinct and unobvious over the relied-on references.

Claims 34-35 each depend from claim 1 and each is distinguishable over JP 10-336579 and Matsumoto for at least the same reasons.

Neither Tanaka nor the Official Notice remedies the deficiencies of JP 10-336579 and Matsumoto.

Accordingly, Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. §§ 101, 103, 112, first paragraph, and 112, second paragraph.

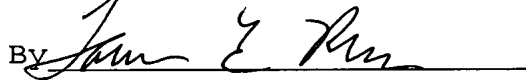
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested

that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: June 14, 2007

Respectfully submitted,

By 

Lawrence E. Russ

Registration No.: 35,342

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

772236_1.DOC